

UNITED STATES BANKRUPTCY COURT
DISTRICT OF PUERTO RICO

IN RE:

ANA IRMA FIGUEROA

DEBTOR(S)

CASE NO: 16-01367-MCF

CHAPTER 13

**TRUSTEE'S OPPOSITION TO DEBTOR'S MOTION FOR ENTRY OF ORDER
DKT.16**

TO THE HONORABLE COURT:

Comes now Alejandro Oliveras Rivera, Chapter 13 Trustee and respectfully states and prays:

1. On April 8, 2016, debtor filed a motion for the appointment of "next friend" or "guardian ad litem" pursuant to FRBP 1004.1. In said motion, debtor alleges that due to physical/medical conditions, she is unable to appear personally or by telephone conference at the 341 meeting of creditors. Debtor requested that her son, Mr. Miguel Angel Rivera García be appointed as "next friend" or "guardian ad litem" to represent her at the 341 meeting of creditors and in all bankruptcy proceedings.
Dkt.16

2. Trustee hereby submits his **opposition** to debtor's request. First, due to the importance of the request made, the motion should be accompanied by a statement under penalty of perjury by debtor. Second, inasmuch real property included in this bankruptcy estate is co-owned by debtor and her children, debtor should include a sworn statement issued by all of the heirs agreeing for debtor's son, Mr. Miguel Angel Rivera García to serve as "next friend" or "guardian ad litem". Third, debtor has not submitted in her motion that her son, Mr. Miguel Angel Rivera García is able to testify as to all financial affairs of the debtor. Fourth, debtor needs to clarify who will sign all future amendments to be filed by debtor in this case.

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WHEREFORE, for the reasons stated above it is respectfully requested from the Court to deny debtor's motion for entry of order filed on April 8, 2016, at Docket 16.

NOTICE: Within fourteen (14) days after service as evidenced by the certification, and an additional three (3) days pursuant to Fed.R.Bank. 9006(f) if you were served by mail, any party against whom this motion has been served, or any other party to the action who objects to the relief sought herein, shall serve and file an objection or other appropriate response to this motion with the Clerk of the U.S. Bankruptcy Court for the District of Puerto Rico. If no objection or other response is filed within the time allowed herein, the foregoing motion will be deemed unopposed and may be granted unless: (i) the requested relief is forbidden by law; (ii) the requested relief is against public policy; or (iii) in the opinion of the Court, the interest of justice requires otherwise.

CERTIFICATE OF SERVICE: I hereby certify that on this same date I electronically filed the above document with the Clerk of the Court using the CM/ECF System which sent a notification of such filing to all those who in this case have registered for receipt of notice by electronic mail. I further certify that I have served to the U.S. Trustee, ustpreion21.hr.ecf@usdoj.gov and by depositing true and exact copies thereof in the United States Mail, postage prepaid, to the non CM/ECF participants: debtor(s) the mailing address of record.

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico this, April 22, 2016.

ALEJANDRO OLIVERAS RIVERA

CHAPTER 13 TRUSTEE

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By: /s/MIRIAM D.SALWEN ACOSTA

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